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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/084,313	02/28/2002	Michael D. D. Clarke	7099.1626-00	6840	
7:	590 09/01/2006	EXAM	EXAMINER		
Guy R. Gosnell, Esq. Alston & Bird LLP			NGUYEN, CUONG H		
Bank of Americ		ART UNIT	PAPER NUMBER		
101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000			3661		
			DATE MAILED: 09/01/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Texaminer			Application	on No.	Applicant(s)				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Eathersions for ten may be available under the provision of 37 CPR 1.13(b), no event however, may a reply to limitly fleed If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the malling date of this communication. Failube to rise observed by the Office between the provision to become ABANDROD (50 U.S. C) \$1.00 (a) A Physiphy reschied by the Office between the maximum absolutory period will apply and will expire SIX (8) MONTHS from the malling date of this communication. Failube to rise observed by the Office between the maximum absolutory access to the communication, even if finely filled, may reduce any sense plants in adjustment. See 7 PCR 1.76(b). A Property of the Communication (\$) filled on 4/24/06 (Pre-Appeal Brief Conf. Request). 2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-40 is/are pending in the application. 4a) Of the above claim(s) 41 is/are withdrawn from consideration. 5 Claim(s) 1-40 is/are pending in the application. 4a) Claim(s) 23-28 and 35-40 is/are allowed. 5 Claim(s) 23-28 and 35-40 is/are expected. Claim(s) 1-10 and 29-34 is/are withdrawn from consideration. Claim(s) 1-10 and 29-34 is/are allowed. Claim(s) 2-2-2-2-2-2-2-2-3-4-2-3-4-2-3-4-2-3-4-2-3-4-2-3-4-2-3-4-2-3-4-2-3-4-2-3-4-2-3-4-2	Office Action Summary		10/084,31	3	CLARKE ET AL.				
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3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:	1) Notic 2) Notic 3) Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-9 nation Disclosure Statement(s) (PTO-1449 or PTO		Paper No(s)/Mail Da 5) Notice of Informal Pa	ite	2)			

DETAILED ACTION

- 1. This Office Action is the answer to the pre-Appeal Conf. request, which papers have been placed of record in the file.
- 2. Claims 1-40 are pending in this application. Claim 41 is canceled.

Response

3. The current examiner respectfully submits that a new ground of rejection is applied to pending claims 23-28, and 35-40. The arguments for previous rejections are moot.

Drawings

4. The submitted drawings are acceptable for examining purposes.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 15, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Above claims are directed to a computer system for generating an aircraft routing proposal, comprising:

- means for determining an aircraft/flight routing proposal for the aircraft that satisfies the received information (see claims 15, and 35); and
- means for optimizing the proposed flight assignment ... (see claim 15).

- The examiner fails to see a clear support for these means-plus-functions; usually the computer instructions would perform those functions; however, it is unclear to one with skill in the art to implement what are claimed by applicants without pointed out what specifically represent those functions.
- 6. Dependent claims 16-28, and 36-40 are rejected because they incorporated those deficiencies.

Conclusions

- Claims 1-14, and 29-34 are patentable.Claims 23-28, and 35-40 are not patentable
- 8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application Serial No. 10/084,313 Art Unit 3661

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

CUONG H. NGUYEN Primary Examiner Art Unit 3661